IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.4876 of 2006
Date of Decision: 29.10.2007

Om Parkash and anothers .....Petitioners

Vs.

State of Haryana and others ...Respondents

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CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE RAJIVE BHALLA

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Present : Mr.N.D. Achint, Advocate for the petitioners.
Ms.Palika Monga, AAG, Haryana.
Mr.A.K. Pathania, Advocate for H.S.I.D.C.

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UMA NATH SINGH, J

Heard learned counsel for the parties and perused the record.

Though the acquisition in question has been made for the purpose of SEZ but there is no challenge to the constitution of that zone or to the collaboration agreement with Reliance Haryana SEZ Limited. Hence, this order shall not be construed to mean an expression of our opinion on the legality of these aspects of the case.

Learned counsel for the petitioners submitted that similarly situated houses of other persons as reflected in site plan (Annexure P-18) and marked in green colour have already been released, although they are in the category of non conforming use being contrary to the policy of SEZ. However, there is no denial of the fact that the petitioners have approached this Court after 1/1.2 months of the award. This is also a submission that the petitioners did not approach the High Powered Committee constituted under the orders of this Court for consideration of release of their property.

On the other hand, Sh.A.K. Pathania, learned counsel for

H.S.I.D.C., which has though not filed a reply, submitted that as per theExpert Committee report, existence of the petitioners' houses is not denied but the same being a non conforming use being contrary to the policy cannot be considered for the release.

We have carefully considered the rival submissions and we are not inclined to interfere with the acquisition process. However, as similarly situated houses of the collaterals of the petitioners, as also others properties as reflected in site plan (Annexure P-18) and admitted by the H.S.I.D.C. have been released, we deem it appropriate in the interest of justice to dispose of this writ petition, with liberty to the petitioners, to approach the Government for similar relief, particularly in terms of unified policy, placed on record of this Court in **CWP No.10412 of 2007** (Unitech Ltd. and another V. State of Haryana), vide affidavit of Commissioner and Secretary, Urban Estate and Town Planning, Haryana.

Accordingly, the writ petition is disposed of, with a direction to the Commissioner and Secretary, Urban Estate and Town Planning, Haryana, to consider the representation of the petitioners, if so made, within a period of four weeks on merits from the date of receipt thereof with a certified copy of this order.

(UMA NATH SINGH)
JUDGE

29.10.2007
GS

(RAJIVE BHALLA)
JUDGE